

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 1:05-CR-18
Honorable David W. McKeague

ANTHONY ANDERSON,

Defendant.

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REPORT AND RECOMMENDATION

Pursuant to W.D. Mich. LCrR 11.1 and upon a request of the district court, I conducted a felony plea hearing in this matter on May 5, 2005, after receiving the written consent of the defendant, the defendant's attorney, and the attorney for the government. These consents were also placed on the record in open court.

Defendant Anthony Anderson is charged in two counts of a multi-count Indictment with being a felon in possession of a firearm and with distributing 5 grams or more of crack cocaine within 1,000 feet of a school. I reviewed the facts with the defendant which show that he committed the offense charged. Briefly stated, those facts show that on or about August 5, 2004, the defendant, who had previously been convicted of a felony offense (a 1997 conviction for possession with intent to deliver cocaine), was in possession of a .32 caliber revolver manufactured outside of the state of Michigan (Count 8). The facts further show that on or about August 26, 2004 in Grand Rapids,

defendant participated in a sale of approximately 14 grams of crack cocaine at an apartment house which was easily within 1,000 feet of two elementary schools (Count 11).

On the basis of this record, I found that defendant was competent to enter a plea of guilty and that his plea was knowledgeable and voluntary with a full understanding of each of the rights waived by the defendant, that the defendant fully understood the nature of the charge and the consequences of his plea, and that the defendant's plea had a sufficient basis in fact which contained all of the elements of the offense charged.

I also inquired into the plea agreement. I found the plea agreement to have been knowingly and voluntarily made and found that it fully reflected all of the promises made by the parties.

Accordingly, I accepted the plea of guilty, subject to final acceptance of the plea by the District Judge, and I specifically reserved acceptance of the plea agreement for the District Judge. I ordered the preparation of a presentence investigation report, and directed that a transcript of the proceedings be prepared and filed with the Clerk of the Court.

Recommendation

Based upon the foregoing, I respectfully recommend that the defendant's plea of guilty to Counts 8 and 11 of the Indictment be accepted, that the court adjudicate the defendant guilty of that charge, and that the written plea agreement be accepted at, or before, the time of sentencing.

Dated: May 5, 2005

/s/ Hugh W. Brenneman, Jr.
Hugh W. Brenneman, Jr.
United States Magistrate Judge

NOTICE TO PARTIES

You have the right to de novo review by the district judge of the foregoing findings. Any application for review must be in writing, must specify the portions of the findings or proceedings objected to, and must be filed and served no later than ten (10) days after the plea hearing. See W.D. Mich. LCrR 11.1(b).